

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

AUDREY S. OSWELL,

Plaintiff,

v.

MORGAN STANLEY DEAN WITTER &
CO., INC. and MORGAN STANLEY
GAMING COMPANIES HOLDINGS,
INC.,

Defendants.

Civil No. 06-5814-JBS-AMD

RESORTS INTERNATIONAL HOTEL,
INC.,

Plaintiff,

v.

MORGAN STANLEY, et al.,

Defendants/Third-Party
Plaintiffs,

v.

AUDREY S. OSWELL,

Third-Party Defendant.

Civil No. 07-105-JBS-AMD

SCHEDULING ORDER

This Scheduling Order confirms the directives given to counsel at the telephone conference on June 18, 2007; and the Court noting the following appearances: Charles Ercole, Esquire, and Lynn A. Collins, Esquire, appearing on behalf of Audrey S. Oswald; Joel M. Silverstein, Esquire, and Michael Dinger, Esquire, appearing on behalf of Resorts International Hotel, Inc.; and A. Ross Pearlson, Esquire, Clive S. Cummis, Esquire, and Brian Weinstein, Esquire, appearing on behalf of Morgan Stanley.

IT IS this **20th** day of **June 2007**, hereby **ORDERED**:

1. The time within which to seek amendments to the pleadings or to add new parties will expire on **August 31, 2007**.

2. Pretrial factual discovery is hereby extended to **September 28, 2007**. All pretrial discovery shall be concluded by that date.

3. **Depositions**. All depositions are to be conducted in accordance with the procedures set forth in the order of Judge Gawthrop, in Hall v. Clifton Precision, 150 F.R.D. 525 (E.D.Pa. 1993).

4. All experts' reports on behalf of plaintiffs shall be served upon counsel for defendants not later than **October 31, 2007**. All experts' reports on behalf of defendants shall be served upon counsel for plaintiffs not later than **November 30, 2007**. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **December 31, 2007**.

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to F. R. Evid. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

5. **Dispositive Motions**. Dispositive motions shall be filed with the Clerk of the Court no later than **December 31, 2007**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1(c), (d) and (e), 56.1 and 78.1 (Motion Practice - Generally).

6. Any application for an extension of time beyond the deadlines set herein shall be made by formal motion and served upon all counsel prior to expiration of the period sought to be extended. The motion shall set forth all extensions previously obtained, the precise reasons necessitating the requested extension and shall address good cause under Fed. R. Civ. P. 16(b), and whether adversary counsel agree with the requested extension. The schedule set herein will not be extended unless good cause is shown.

7. **THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UNDER Fed. R. Civ. P. 16(f).**

s/ Ann Marie Donio
ANN MARIE DONIO
United States Magistrate Judge

cc: Hon. Jerome B. Simandle